



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 0600

**In re Application of
Seiji Shirai et al.**

Application Number: 09/600890

Filed: August 16, 2000

**For: Multilayer Printed Wiring Board
with Filled Viahole Structure**

DECISION ON PETITION

JUN 10 2003

This is a decision on the petition under 37 C.F.R. § 1.181, filed May 6, 2003, requesting that the finality of the Office action of January 8, 2003, be withdrawn.

The petition is GRANTED.

Petitioner asserts that making the office action of January 8, 2003, final is premature. Petitioner asserts that the final office action changed the grounds of rejection in section 3 from rejected under section 103(a) as obvious over Kinoshita to rejected under section 103(a) as being obvious over Kinoshita in view of Matsuyama. Petitioner states this change was not necessitated by amendment. Therefore, petitioner argues that the finality of the rejection is improper.

Review of the record reveals that the first rejection under 103(a) as obvious over Kinoshita was set forth in the office action mailed May 24, 2002, in section 21. In response to this rejection, petitioner filed a response on October 24, 2002, and argued at page 9, lines 8-13, that the rejection was improper because one of the claim limitations was not taught in Kinoshita as alleged by the office action. In particular, petitioner argued that Kinoshita does not disclose the dimension of the viahole diameter to be less than 25 micrometers as stated in section 21 of the office action. Subsequent to petitioners response of October 24, 2002, a final office action was issued on January 8, 2003. In this final office action, in section 3, the 103(a) rejection over Kinoshita was changed to a 103(a) rejection over Kinoshita in view of Matsuyama. Examiner withdrew the statement that Kinoshita teaches the dimension to be less than 25 micrometers and cited the Matsuyama reference to

Application 09/568537
Decision on Petition

establish the dimensional requirements of the claim. The portion of the claim including these dimensional requirements was not amended.

As such, the change in the grounds (citing Matsuyama to disclose the claimed dimensional requirements) was neither necessitated by amendment or based on filing of an IDS.

The finality of the office action of January 8, 2003, is hereby withdrawn and the application is forwarded to the examiner for examination.



Arthur Grimley, Acting Director
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